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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,372	07/31/2001	Vadim Gutnik	5347-205	2525
20792 7590 01/24/2008 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER CHUNG, PHUNG M	
			ART UNIT 2117	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/919,372	Applicant(s) GUTNIK ET AL.	
	Examiner Phung My Chung	Art Unit 2117	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 14-19 and 23 is/are rejected.
- 7) ☒ Claim(s) 2-7, 9-13, 20-22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The indicated allowability of claims 1-24 are withdrawn. Rejections are as follow.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 14, line 1, the preamble of the claim is "a method for distributing a clock signal" but there isn't any method step for distributing a clock signal recited in the body of the claim. The claim as a whole is not clear. It does not particularly point out how the error (lines 2 and 3) is detected and it is also unclear which error signal is come first, the error signal in lines 2 and 3 or the error signal in line 4?. Appropriate correction and/or clarification is required.

As per claim 15, lines 3 and 4, it is unclear which second error signal come first, the second error signal in line 3 or the second error signal in line 4?. Appropriate correction and/or clarification is required.

As per claims 16-18, these claims are also rejected because they dependent upon the rejected base claim.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 8, 14 and 19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuddes (5,638,410).

As per claims 1, Kuddes discloses a first clock circuit (phase-lock loop 102) that is configured to generate a first clock signal (01); and

A second clock circuit (phase-lock loop 122) that is configured to generate a second clock signal (02); and

A phase detector circuit (102, 104) that connects the first clock circuit to the second clock circuit and is configured to generate an error signal responsive to the first and second clock signals. Kuddes does not disclose generating the first clock signal responsive to the error signal; and generating the second clock signal responsive to the error signal. However, Kuddes discloses the error signal or phase different is feed back to the phase detector circuit to delay one of the clock signal (generating the clock signal in response to error signal) to cancel phase different. (See col. 3, lines 21-23, lines 60-

63, col. 4, lines 50-67 to col. 5, lines 1-58). Therefore, it would have been obvious to a person of ordinary skill in the testing art, at the time the invention was made, to feed back the error signal to the first and second clock circuits so that based on that error signal the first and second clock signals are generated, these clock signals are then applied to the phase detector to generate error signal responsive to phase different between the first and second clock signals so that the error signal can be corrected by adjusting phase error to synchronize phases of the clock signals.

As per claim 8, this claim is rejected under similar rationale as set forth in claim 1.

Claim 14, Kuddes discloses a method comprising:

Generating a first clock signal (clock signal 01);

Generating a second clock signal (clock signal 02);

Generating an error signal based on a relative phase difference between a first clock signal and a second clock signal. Kuddes does not specifically disclose generating the first clock signal responsive to the error signal; and generating the second clock signal responsive to the error signal. However, Kuddes discloses the error signal or phase different is feed back to the phase detector circuit to delay one of the clock signal (generating the clock signal in response to error signal) to cancel phase different. (See col. 3, lines 21-23, lines 60-63, col. 4, lines 50-67 to col. 5, lines 1-58). Therefore, it would have been obvious to a person of ordinary skill in the testing art, at the time the invention was made, to feed back the error signal to the first and second clock circuits so that based on that error signal the first and second clock signals are

generated, these clock signals are then applied to the phase detector to generate error signal responsive to phase different between the first and second clock signals so that the error signal can be corrected by adjusting phase error to synchronize phases of the clock signals.

As per claims 19 and 23, these claims are rejected under similar rationale as set forth in claims 1 and 14.

5. Claims 2-7, 9-13 and 20—22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments with respect to claims 25-26 have been considered but are moot in view of the new ground(s) of rejection.

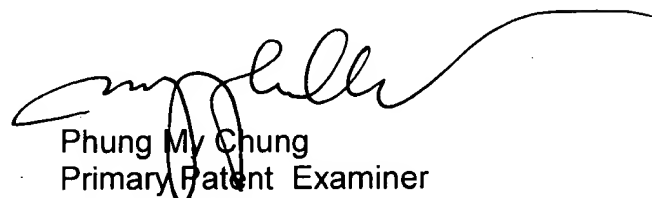
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phung My Chung  
Primary Patent Examiner  
Art Unit 2117